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# Office of the Corporation Counsel

FY 2002 Proposed Operating Budget: \$51,876,684  
FY 2002 Proposed Capital Budget: \$0

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The Office of the Corporation Counsel achieves the best outcome for its clients by (1) prosecuting crimes fairly and aggressively, (2) defending or initiating actions, (3) providing expert advice and counsel, and (4) executing commercial-style transactions on behalf of the government of the District of Columbia.

**The FY 2002 proposed operating budget is \$51,876,684, an increase of \$3,781,530, or 7.9 percent, over the FY 2001 approved budget.**

## Budget Summary

The FY 2002 proposed operating budget for the Office of the Corporation Counsel (OCC) is \$51,876,684, an increase of \$3,781,530, or 7.9 percent, over the FY 2001 approved budget (table CB0-1). This budget supports 537 full-time equivalents (FTEs), an increase of 21 FTEs over FY 2001 (table CB0-2). This increase is primarily attributable to (1) full funding of the Adoption and Safe Families Act (ASFA) for which \$1,881,264 is budgeted in support of 34 FTEs; (2) \$1,500,000 to support 20 additional FTEs per recommendation of the D.C. Appleseed Center report; (3) \$353,000 for Attorney Retention Allowances (ARA); and (4) \$100,000 for the implementation of a pilot mediation program and creation of the Temporary Assistance to Needy Families (TANF) Child Support Unit.

## Strategic Issues

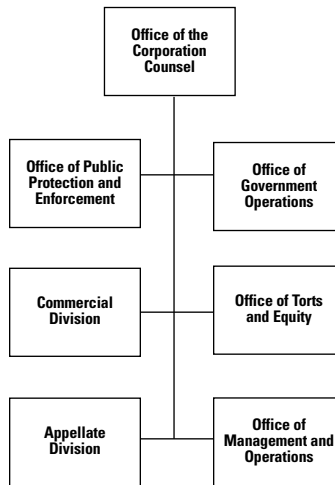
- Continued compliance with major mandates, including those specified by the Adoption and Safe Families Act and those required of the Child Support Enforcement Division.
- Organizational development to improve staffing and training.
- Information technology integration to support case/matter management.

## FY 2002 Initiatives

- Fully implement ASFA with \$1.9 million in additional funding and 34 additional FTEs.
- Implement a case management system.
- Develop a plan to implement the recommendations of Hildebrandt International and the D.C. Appleseed Center with respect to the OCC.
- Implement a pilot mediation program similar to an existing program in the United States Attorneys' Office.

Figure CB0-1

## Office of the Corporation Counsel



### Agency Background

Pursuant to D.C. Code Section 1-361, the Corporation Counsel has responsibility for handling all the legal business of the District of Columbia, including all suits instituted by and against the D.C. government. At any given time, over 14,000 matters are pending in the OCC, including appellate, civil, and criminal cases in litigation as well as affirmative litigation in the areas of tax and welfare fraud and consumer protection. The OCC also provides legal advice and opinions to executive branch agencies.

The OCC handles legal matters that would typically be handled by state attorneys general, district or state attorneys, and city or county attorneys. It initiates and defends civil litigation on behalf of the District; handles appeals before the United States Court of Appeals for the District of Columbia Circuit Court, the District of Columbia Court of Appeals, and the U.S. Supreme Court; represents the District in administrative proceedings before various boards and commissions; prosecutes certain criminal acts; and provides legal advice and opinions to agencies and officials in the executive branch. The office also prosecutes violations of District regulations, certain misdemeanor offenses, and all cases involving juvenile delinquency, neglect, child abuse, and persons in need of supervision. It renders legal opinions on pending congressional and District legislation affecting the District.

Since its transfer from the District's

Department of Human Services in 1998, the OCC has been responsible for the Child Support Enforcement Program. The current caseload for this program is 129,000.

### Programs

Figure CB0-1 shows the six program areas of the OCC, which was realigned from 15 divisions in FY 2000.

The **Office of Public Protection and Enforcement** serves to protect families, children, and special populations and prosecute crimes. This office includes the Civil, Criminal, Family, Mental Health, Child Support, and Investigations Divisions. For FY 2002, funding totals \$34,904,274 and 353 FTEs.

The **Office of Government Operations** provides legal advice and counsel to the Executive Office of the Mayor and to District government agencies. This office also oversees the agency counsel and their legal staff. For FY 2002, funding totals \$1,214,580 and 14 FTEs.

The **Office of Torts and Equity** is responsible for all defensive lawsuits, claims, and programmatic litigation involving class actions and agencies in receivership. For FY 2002, funding totals \$5,555,504 and 73 FTEs.

The **Commercial Division** is responsible for providing legal advice and handling litigation involving personnel and labor relations, procurement, tax

Table CB0-1

**FY 2002 Proposed Operating Budget, by Comptroller Source Group**

(dollars in thousands)

Office of the Corporation Counsel

	<b>Actual FY 2000</b>	<b>Approved FY 2001</b>	<b>Proposed FY 2002</b>	<b>Change from FY 2001</b>
Regular Pay - Cont. Full Time	20,062	20,880	23,137	2,257
Regular Pay - Other	2,568	5,354	5,326	-28
Additional Gross Pay	1,607	237	257	20
Fringe Benefits	3,317	4,155	4,236	81
Unknown Payroll Postings	-2	0	0	0
<i>Subtotal Personal Services (PS)</i>	<i>27,553</i>	<i>30,625</i>	<i>32,956</i>	<i>2,330</i>
Supplies and Materials	159	217	235	18
Utilities	234	682	356	-316
Communications	258	412	141	-271
Rentals - Land and Structures	0	109	414	305
Janitorial Services	0	0	217	217
Security Services	0	0	314	314
Other Services and Charges	1,863	2,434	1,125	-1,309
Contractual Services	13,911	10,607	13,213	2,607
Subsidies and Transfers	272	2,500	2,500	0
Equipment and Equipment Rental	320	509	396	-113
<i>Subtotal Nonpersonal Services (NPS)</i>	<i>17,017</i>	<i>17,470</i>	<i>18,921</i>	<i>1,451</i>
<b>Total Proposed Operating Budget</b>	<b>44,570</b>	<b>48,095</b>	<b>51,877</b>	<b>3,782</b>

Table CB0-2

**FY 2002 Full-Time Equivalent Employment Levels**Office of the Corporation Counsel

	<b>Actual FY 2000</b>	<b>Approved FY 2001</b>	<b>Proposed FY 2002</b>	<b>Change from FY 2001</b>
Continuing full-time	313.25	486.00	501.00	15.00
Term full-time	107.75	30.00	36.00	6.00
<b>Total FTEs</b>	<b>421.00</b>	<b>516.00</b>	<b>537.00</b>	<b>21.00</b>

matters, bankruptcy, finance, economic development, land use, public works, utilities, and regulations. For FY 2002, funding totals \$4,156,304 and 51 FTEs.

The **Appellate Division** handles all civil and criminal appeals in federal and District courts. For FY 2002, funding totals \$1,266,599 and 14 FTEs.

The **Office of Management and Operations**

manages human resources, finance, information technology and telecommunications, training, and internal and external communications. For FY 2002, funding totals \$3,946,404 and 24 FTEs.

In addition to the six program areas, funding for the immediate Office of the Corporation Counsel totals \$833,019 and 9 FTEs.

Table CB0-3

**Capital Improvement Plan, FY 2000-FY 2007**

(dollars in thousands)

Office of the Corporation Counsel

Cost Elements	Through Budgeted FY 2000    FY 2001		Total	EXPENDITURE SCHEDULE						6 Years Budget	Total Budget
				Year 1 FY 2002	Year 2 FY 2003	Year 3 FY 2004	Year 4 FY 2005	Year 5 FY 2006	Year 6 FY 2007		
a. Design	0	530	0	0	0	0	0	0	0	0	530
b. Site	0	0	0	0	0	0	0	0	0	0	0
c. Project mngmnt	0	1,100	0	0	0	0	0	0	0	0	1,110
d. Construction	0	0	0	0	0	0	0	0	0	0	65,874
e. Equipment	0	678	0	0	0	0	0	0	0	0	678
<b>Total</b>	<b>0</b>	<b>2,318</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,318</b>

Cost Elements	Through Budgeted FY 2000    FY 2001		Total	FUNDING SCHEDULE						6 Years Budget	Total Budget
				Year 1 FY 2002	Year 2 FY 2003	Year 3 FY 2004	Year 4 FY 2005	Year 5 FY 2006	Year 6 FY 2007		
a. Long-term financing	0	0	0	0	0	0	0	0	0	0	0
b. Tobacco securitization	0	0	0	0	0	0	0	0	0	0	0
c. Grants	0	0	0	0	0	0	0	0	0	0	0
d. Pay go	0	2,318	0	0	0	0	0	0	0	0	2,318
e. Hwy trust fund	0	0	0	0	0	0	0	0	0	0	0
f. Equipment lease	0	0	0	0	0	0	0	0	0	0	0
g. Alternative financing	0	0	0	0	0	0	0	0	0	0	0
h. Other	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>2,318</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,318</b>

Table CB0-4

**FY 2002 Proposed Operating Budget, by Revenue Type**

(dollars in thousands)

Office of the Corporation Counsel

	Actual FY 1998	Actual FY 1999	Actual FY 2000	Approved FY 2001	Proposed FY 2002
Local	15,068	22,403	25,974	28,076	30,299
Federal	0	8,469	13,412	13,760	15,180
Other	193	1,913	3,927	4,129	4,332
Intra-District	1,822	936	1,257	2,130	2,065
<b>Gross Funds</b>	<b>17,082</b>	<b>33,722</b>	<b>44,570</b>	<b>48,095</b>	<b>51,877</b>

**Funding Summary****Local**

The proposed FY 2002 local budget is \$30,299,334, an increase of \$2,223,177, or 7.9 percent, over the FY 2001 approved budget. This includes a \$2,392,792 increase in personal services

and a \$169,615 decrease in nonpersonal services.

Local funds will support 377.2 FTEs, an increase of 80.2 FTEs over the FY 2001 budget. The increase in FTEs is primarily attributable to the implementation of ASFA (34 FTEs), the realignment of 49 FTEs between local and federal funds within the Child

Support Enforcement program (no fiscal impact), 20 additional FTEs to address critical recommendations in the D.C. Appleseed Center report and one FTE in the TANF unit. The increase is partially offset by a decrease of 24 FTEs associated with savings initiatives in FY 2001. Refer to the FY 2002 Operating Appendices (bound separately) for details.

Significant changes in the local budget include the following:

- \$1,881,264 increase for implementation of ASFA.
- \$1,500,000 increase and 20 FTEs to begin addressing the critical needs of OCC as noted in the D.C. Appleseed Center report.
- \$353,000 increase for ARAs in accordance with recommendations from the D.C. Appleseed Center report. The ARA is used to increase attorney compensation as a means of reducing turnover and improving the quality of legal work.
- \$50,000 increase to support a pilot mediation program. This program, called the Community Misdemeanor Mediation Service (CMMS), will be used to refer selected misdemeanor cases to mediation as an alternative to resolving cases, reducing the probability of future cases, and saving taxpayer dollars.
- \$50,000 increase for one additional FTE for the creation of the TANF unit. Funding will be used to support the TANF Child Support Units which will process claims and assist families leaving welfare to get the child support needed.
- \$751,310 decrease related to FY 2001 savings initiatives.
- \$113,416 decrease in equipment and equipment rental.
- \$207,871 net decrease in fixed costs, including a \$128,163 reduction for management reform savings.

## Federal

The proposed FY 2002 federal budget is \$15,180,262, an increase of \$1,420,525, or 10.3 percent, over the FY 2001 approved budget. The increase is primarily attributable to an increase in the Title IV-D Paternity and Child Support Enforcement grant from the federal Department of Health and Human Services. The federal budget supports 118.8 FTEs, a decrease of 61.2 FTEs from FY 2001. The decrease in FTEs reflects a realignment of staff supported by local and federal funds (no fiscal impact).

## Other

The proposed Other (O-type) budget is \$4,331,919, an increase of \$202,420, or 4.9 percent, over the FY 2001 approved budget. This increase is attributable to an anticipated increase in TANF revenue, fees for services, and driving under the influence fees. These funds will support 14 FTEs, an increase of 2 FTEs over FY 2001.

## Intra-District

The proposed intra-District budget is \$2,065,169, a decrease of \$64,592, or 3.0 percent, from the FY 2001 approved budget. Intra-District funds will support 27 FTEs, unchanged from FY 2001. The decrease in intra-District funds is based on a reduced use of OCC services by agencies in FY 2002.

## Capital Improvement Plan

The OCC capital program is designed to automate operational functions within the office to bring the agency to an optimum level of efficiency (table CB0-3).

## Trend Data

Table CB0-4 shows expenditure history for FY 1998 through FY 2002.

## Agency Goals and Performance Measures

### Goal 1. Increase revenues through civil and criminal enforcement.

*Citywide Strategic Priority Area Supported:* Building and sustaining healthy neighborhoods; Making government work

*Manager:* Arabella W. Teal, Principal Deputy Corporation Counsel

*Supervisor:* Robert R. Rigsby, Corporation Counsel

### Performance Measure 1.1: Civil division collections (millions of dollars)

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	3.50	3.00	3.00	3.00
Actual	3.00	3.04	—	—	—

### Performance Measure 1.2: Tax fraud collections (thousands of dollars)

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	350	375	375
Actual	NA	300	—	—	—

**Performance Measure 1.3: Revenue generated through criminal enforcement - traffic offenses (thousands of dollars)**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	150.0	150.0	150.0
Actual	NA	NA	-	-	-

**Performance Measure 1.4: Revenue generated through criminal enforcement - D.C. Offenses (thousands of dollars)**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	50.0	50.0	50.0
Actual	NA	NA	-	-	-

**Goal 2. Defending civil litigation against the District of Columbia.**

*Citywide Strategic Priority Area:* Making government work

*Manager:* Arabella W. Teal, Principal Deputy Corporation Counsel

*Supervisor:* Robert R. Rigsby, Corporation Counsel

**Performance Measure 2.1: Percentage of of appeals of judgement successfully defended (or brought) in federal and District appellate courts**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	70	70	70
Actual	NA	NA	—	—	—

**Performance Measure 2.2: Percent of civil litigation successfully defended in federal and District trial courts**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	90	90	90	90
Actual	NA	90	—	—	—

Note: In the General Litigation Division, such litigation includes all matters of contingent liability in the areas of civil rights, torts, and contracts. In the Equity and Receivers Division, such litigation includes all matters of contingent liability and equitable relief in the areas of civil rights, all class action lawsuits, environmental matters, and special education. A successful defense is considered a judgement for the District (i.e., an outright win), a judgment against the District that is better than plaintiff's last settlement demand, or a dismissal.

**Goal 3. Implementation of Adoption and Safe Families Act requirements.**

*Citywide Strategic Priority Areas:* Strengthening children, youth, families and individuals;

Making government work

*Manager:* Arabella W. Teal, Principal Deputy Corporation Counsel

*Supervisor:* Robert R. Rigsby, Corporation Counsel

Note: Reaching these measures will depend on the continued funding of the Family Division under enhanced Adoption and Safe Families Act budgets pursuant to the OCC-CFSA Memorandum of Understanding and the LaShawn Consent Order, the configuration of the Superior Court Family Division, and extension of the D.C. ASFA Compliance Temporary Amendments Act of 2000.

**Performance Measure 3.1: Complete pre-adjudication phase of each new case within 120 days of filing (percentage)**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	50	75	85
Actual	NA	NA	—	—	—

**Performance Measure 3.2: Percent of post-disposition permanency/review hearings attended**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	50	80	90
Actual	NA	NA	—	—	—

**Performance Measure 3.3: Number of children's cases in which termination of parental rights cases/adoptions/legal guardianships that are initiated or joined to reduce the number of children in foster care over two years**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	NA	360	480
Actual	NA	NA	-	-	-

**Goal 4. Provide critical services to District residents who depend on child support enforcement services.**

*Citywide Strategic Priority Areas:* Strengthening children, youth, families, and individuals;

Making government work

*Manager:* Arabella W. Teal, Principal Deputy Corporation Counsel

*Supervisor:* Robert R. Rigsby, Corporation Counsel

**Performance Measure 4.1: Child support collections (millions of dollars)**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	47.6	47.1	47.1	47.1
Actual	44.5	45.7	-	-	-

**Performance Measure 4.2: Percent increase in child support cases with child support orders**

	Fiscal Year				
	1999	2000	2001	2002	2003
Target	NA	NA	2.7	2.7	2.7
Actual	NA	3.0	-	-	-